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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/536,692

Applicant(s)

VILLENA ET AL.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) 15-26 and 30-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Group I, claims 1-14 and 27-29, drawn to creation of a database of property related information, classified in class 705, subclass 1.

Group II, claims 15-26 and 30-37, drawn to updating of a database of property related information, classified in class 705, subclass 1.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Election for Group I, claims 1-14 and 27-29 was authorized by Applicant's representative B. Y. Mathis (Reg. 44,907).

Claim Objections

Claim 13 is objected to because of the following informalities:

Claim 13 recites the limitation "AVM device is also configured property to produce one or more AVM confidence indicators". To expedite the prosecution of this

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application, examiner reads the claimed limitation as "AVM device is also configured ~~property to produce~~ one or more AVM confidence indicators".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over archived web pages of VeroValue in view of an article Automation Valuation Models – Threat and Opportunity in Automation Today hereinafter known as AutomationToday.

Regarding claim 1, VeroValue teaches automated valuation (AVM) service providing accurate residential market values throughout the United States. VeroValue does not explicitly teach database of property related information. However, VeroValue teaches using data with their AVM. Appraisal-Today teaches Automated Valuation Models (AVMs) are the latest hot topic for many appraisers, replacing AMCs (appraisal

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management companies). AVMs have been around for at least 20 years in appraising, starting with multiple regression programs used for mass assessments by assessors' offices. Public records is the primary data source for all commercially available AVMs. This data is typically purchased by the AVM vendor. Some vendors collect part of their data, particularly if they work only a few states (i.e. creating a database).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that VeroValue in view of Appraisal-Today has capability for having a database of data relating to real estate to be able to provide valuations of real estate to their clients.

VeroValue in view of Appraisal-Today teaches:

that database when accessed by a computer, can enable a user to perform a number of property-related queries.

capability for the database to comprise records on a substantial portion of every residential property in a defined geographic region that is offered for sale (Appraisal-Today, getting data from MLS),

capability wherein each entry of the property database includes an automated valuation field containing an AVM produced value of the identified property.

With respect to the recitation in claim 1 defining what kind of data is being stored on the database, this is considered to be non-functional descriptive material that does not distinguish (define) over the applied prior art. Since the instant claims are article claims and the type of data claimed is considered to be non-functional descriptive material, the applied prior art satisfies the claim. The prior art stores data on a storage

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medium and is fully capable of storing the claimed type of data, this is the extend to which weight will be given to the claimed data. When descriptive material is not functionally related to the article, the descriptive material will not distinguish the invention from the prior art in terms of patentability, *In re Gulack*, 217 USPQ 401 (CAFC 1983).

Regarding claim 2, as responded to earlier, VeroValue in view of Appraisal- Today teaches capability wherein the storage medium includes records on a majority of every residential property in a defined geographic region that is offered for sale (VeroValue, accurate property valuation throughout United States), wherein each entry of the property database includes an automated valuation field containing an AVM produced value of the identified property (this limitation has been responded to earlier).

Regarding claim 3, as responded to earlier, VeroValue in view of Appraisal- Today teaches capability wherein the storage medium includes records on substantially all residential properties in a defined geographic region that are offered for sale (VeroValue, accurate property valuation throughout United States),

wherein each entry of the property database includes an automated valuation field containing an AVM produced value of the identified property (this limitation has been responded to earlier).

Regarding claim 4, as responded to earlier VeroValue in view of Appraisal-Today teaches capability wherein each AVM value is not a value generated for tax purpose (applicant is claiming how the data will be used by a user as their claimed invention).

Regarding claim 5, VeroValue in view of Appraisal-Today teaches capability wherein at least one AVM value is produced using relative spatial information having a resolution of at least ten meters, and wherein the spatial information includes position data of at least two properties produced by a survey (applicant is claiming granularity of the search field as their claimed invention).

Regarding claim 6, VeroValue in view of Appraisal-Today teaches capability wherein the position data of the properties is derived using GIS (Appraisal-Today, Banton heavily uses GIS and geostatistical methods.).

Regarding claim 7, VeroValue in view of Appraisal-Today teaches capability wherein the defined geographic region includes at least two neighboring cities (Appraisal-Today, Some vendors collect part of their data, particularly if they work only a few states).

Regarding claim 8, VeroValue in view of Appraisal-Today capability wherein the defined geographic region includes a region of the United States encompassing a

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plurality of contiguous states (Appraisal-Today, Some vendors collect part of their data, particularly if they work only a few states).

Regarding claim 9, VeroValue in view of Appraisal-Today teaches capability the database further includes a price for each property offered for sale within the defined geographic region (applicant is claiming content of data in a database as their claimed invention, Appraisal-Today, A few AVMs use MLS data).

Regarding claim 10, as responded to earlier, in response to claims 1-9, VeroValue in view of Appraisal-Today teaches apparatus for creating and maintaining a database containing information relating to residential properties. VeroValue in view of Appraisal-Today teaches:

an AVM device configured to receive information relating to at least a majority of every known property within a defined geographical region that is currently offered for sale (Appraisal-Today, getting data from MLS);

wherein the AVM device is configured to perform an AVM operation on each property to produce an AVM value for each property; and

wherein the AVM device is further configured to create an AVM database containing entries of a plurality of the AVM values.

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Regarding claim 11, as responded to earlier, VeroValue in view of Appraisal-Today teaches capability wherein the AVM device is further configured to create an AVM database containing entries of substantially all of the AVM values.

Regarding claim 11, as responded to earlier, VeroValue in view of Appraisal-Today teaches capability to create an AVM database containing entries of all of the AVM values.

Regarding claim 13, VeroValue in view of Appraisal-Today teaches to produce one or more AVM confidence indicators, then store the one or more AVM confidence indicators in the AVM database.

Regarding claim 14, as responded to earlier, VeroValue in view of Appraisal-Today teaches capability wherein an AVM device configured to receive information relating to substantially every known property within the defined geographical region, produce an AVM value for each property and store the produced AVM values in the AVM database (Appraisal-Today, A few AVMs use MLS data, Some vendors collect part of their data, particularly if they work only a few states).

Regarding claim 27-29, as responded to earlier in response to claims 1-14, VeroValue in view of Appraisal-Today teaches capability to enable a user to perform a number of property-related queries, comprising:

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instructions for receiving records on substantially every residential property in a defined geographic region offered for sale; and

instructions for producing an AVM value for each property for which records are received.

instructions for entering each produced AVM value in an AVM database.

Wherein AVM database contains entries of AVM values relating to substantially all residential properties within the geographical region.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. An article Online Automated Valuation Models or Comparable Sale Reports from Appraisal Network labeled as Appraisal Network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
Examiner
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October 5, 2006